

Sent: 2/9/2019 12:20:43 AM
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Subject: WA Hydro Dams NPDES wkly update, 2/8/19

What a week and a half for the WA hydro dam permits! Below is the consolidated information. We continue to make good progress on the BE and permits, which we will continue next week.

Lower Columbia, Lower Snake River, Grand Coulee Dams

1. 401 certs (Washington and Oregon) and press coverage –
 - On January 30, 2019, Ecology's public notice of our 401 cert request for the WA hydro dams included EPA's contact info for receiving copies of the draft permit. Since then, we received 10 requests for the permits: BPA, Army Corps, BOR, Avista, Stoel-Rives (law firm), Center for Environmental Law and Policy, Upper Columbia United Tribes (UCUT), Chelan PUD, a private citizen, journalist from Clearing Up (energy trade journal).
 - On January 31, 2019, the Seattle Times ran a long, front page story on TMDL studies, the permits, and information from Ecology that they intended to require the permits to cover temperature from dam operations in their 401 cert.
 - On February 1, 2019, EPA R10 was directed to withdraw our 401 cert requests on the dam permits from Washington, Oregon, and Colville Tribes (Grand Coulee) and request that materials with EPA's 401 request (pre-draft permits and Fact Sheet) were returned.
 - On February 5, 2019, Ecology responded to EPA that they didn't understand why EPA was withdrawing its request and would not return the pre-draft permits and fact sheets.
 - On February 7, 2019, the Seattle Times ran a second front page story on EPA's withdrawal request and Ecology's response.
 - On February 8, 2019, E&E Greenwire and Columbia Basin Bulletin wrote articles on EPA's withdrawal, and Columbia Riverkeeper issued a press release.
 - On February 8, 2019, at a meeting among federal executives, the Army Corps questioned whether 401 certifications apply at dams that are congressionally authorized. Courtney is researching.
2. Communications – Yesterday, EPA HQ cleared a press statement on the dams indicating that
3. 316(b) – We are waiting to hear from EPA HQ.
4. Permit development – Because of the shutdown, we did not meet with Courtney and Susan to discuss revised permits. After we meet with Courtney and Susan, Martin and I will incorporate all changes in documents and do last fine-tuning to finalize a draft permit.
5. ESA Consultation – NOAA had been scheduled to complete a revised FCRPS (Federal Columbia River Power System) BiOp by the end of December 2018. Because of an agreement among several entities on spill, the entities will be submitting a new action request, and NOAA hopes to complete their revised BiOp around March 2019. The revised BiOp will include an analysis of the impact from the permitted discharges, but EPA will not be one of the action agencies requesting an action in the BiOp. It is likely, the BiOp will cover some parts of our action, but we will still need to complete a BE to fill in any gaps. Alex Clayton is helping out with the BE for the Lower Columbia and Lower Snake River dams to complete species histories. Thanks, Alex!
6. Tribal Consultation – We are rescheduling Chris Hladick and Dan Opalski's meeting with the Yakama Nation Tribal Council from February 5 to a date in March, possibly March 5. I have a call with my contact at Yakama Nation this Friday morning to confirm details. I have a tentative hold in Dan's calendar and am talking with Wenona Wilson to coordinate on Chris's schedule. Note that Umatilla Tribe also has interest in possible formal tribal consultation. I have not heard from them but will reach out to them this week.

Grand Coulee

1. 401 certs (Washington and Colville Tribe) –
 - a. See above for 401 cert update for Washington.
 - b. I spoke with my contact at Colville Tribe yesterday. They expect to have a certification around February 28, 2019 and have been working closely with Ecology. They are still developing their draft 401 cert, but may include Ex. 5 Deliberative Process (DP) Ex. 5 Deliberative Process (DP) They believe **Ex. 5 Deliberative Process (DP)**).
2. ESA Consultation – We have not started on the BE for the Grand Coulee, but will begin once we have finished the Lower Columbia and Snake river BE.
3. See above for other topics.

Overall

1. Internal communications – No updates
External communications –
 - a. Tribes – I emailed tribal contacts and agencies yesterday with a quick update on Ecology's public notice and our anticipated date for public notice of the permits.
 - b. Services – no update
 - c. Federal Caucus - no update
 - d. BOR – I emailed BOR about Ecology's public notice and our anticipated date for public notice of the permits. They asked if we had heard anything on 316(b), and I said we hadn't.
 - e. US Army Corps – I emailed the Corps about Ecology's public notice and our anticipated date for public notice of the permits. They asked EPA/me to present on Feb 25 at their annual meeting for Environmental Compliance Coordinators (ECCs) to give an overview of the permits process. The Corps also let me know they plan to submit a permit application for the Chief Joseph dam. This will likely come in the next few months.
 - f. Columbia Riverkeeper – no update
 - g. Ecology – see above
ODEQ – see above
 - h. BPA – see above

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